


~~distance between adjacent protuberances is an order of magnitude smaller than the
intermediate lens pad,~~



REMARKS

Reconsideration and allowance of this application, as amended, are respectfully requested. Claims 6, 7, 13, and 14 have been canceled, claims 15-18 have been added, and claims 1, 4, 8, and 11 have been editorially amended. Claims 1-5, 8-12, and 15-18 are now pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein.

In response to the objection under 37 CFR § 1.75(c), claims 7 and 14 have been canceled and replaced with new independent claims 16 and 18, respectively. Similarly, in response to the rejection under § 112, second paragraph, claims 6 and 13 have been canceled and replaced with new independent claims 15 and 17, respectively. Claims 1, 4, 8, and 11 have been editorially amended both in response to the § 112 rejection, and for improved readability. Reconsideration and withdrawal of the objection under § 1.75(c) and the rejection under § 112 are respectfully requested.

Claims 1-5 and 8-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,095,660 to Dillon. The Office Action asserts that “Dillon discloses an intermediate urethane lens pad (50) having inherent recesses and protuberances and a lens surfacing pad (62),” but also acknowledges that “Dillon does not disclose an adhesive on one side of the lens surfacing pad, the specific size and arrangement

of the recesses and protuberances, and specific material of the pad.” The Office Action concludes, however, that “[i]n regard to the adhesive on one side of the lens surfacing pad [it] would have been obvious . . . , since adhesive is old and well known in the art and to have used adhesive in this way adds no patentable significance to the claim.”

The rejection of claims 1-5 and 8-12 under § 103(a) as being unpatentable over Dillon is respectfully traversed. The claimed invention would not have been obvious because there is no suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to attain the claimed invention.

Applicants’ claim 1, for example, defines an intermediate lens pad that includes, *inter alia*, a “second side having a substantially smooth surface comprising a multiplicity of holes or recesses substantially uniformly distributed over an entirety of said second side surface.” As disclosed at specification page 7, paragraph 0031, the claimed intermediate lens pad facilitates easy removal of the surfacing pad (i.e., “[t]he surfacing pad 20 may now be readily peeled-off from the intermediate pad 14, the presence of the holes 18, and the nature of the smooth upper surface of the intermediate pad 14 facilitating easy removal in this respect, in relation to systems which do not have an intermediate pad in accordance with the present invention, reducing the likelihood of repetitive strain injury to the user and increasing the speed with which the surfacing pad 20 can be removed.”).

Dillon fails to suggest, *inter alia*, Applicants’ claimed intermediate lens pad having the above-described surface. Contrary to the assertion in the Office Action, there is

no suggestion whatsoever in Dillon that the “resilient urethane pad 50” depicted in Figures 4 and 5 has a surface that includes the structural features defined by Applicants’ claim 1.

The Office Action refers to the “inherent recesses and protuberances” of Dillon’s urethane pad 50, but in fact, Dillon discloses only the following with regard to pad 50:

Pad 50 has a border 52 cut to generally match the border 54 of lap 18. The pad has a lower curved surface 56 generally accommodating the curvature 22 of the lap, and is attached by a releasable adhesive 58 to the lap. The pad has an outer curved surface 60 generally corresponding to the curvature of surface 16 of the lens. The pad is about 3/16 inch thick and is slightly compressible so that surface 60 will accommodate variations in the lens surface. A preferred pad material is available from the Plastomer Corp. of Livonia, Mich. and known as 291-HY urethane. (Column 2, line 62, through column 3, line 4.)

There is no disclosure in Dillon to support the Office Action’s apparent assertion that Applicants’ claimed structural features would inherently be associated with Dillon’s “urethane pad.” For example, while Dillon discloses that pad 50 is “slightly compressible,” this characteristic is described in conjunction with the pad’s apparent ability to “accommodate variations in the lens surface.” There is no suggestion of either Applicants’ claimed structural features, or the rationale therefor (i.e., facilitating removal of the surfacing pad).

Applicants presume that in asserting that Dillon discloses “recesses and protuberances,” the Office Action may be confusing the surface features with the slots cut into the pad to enable it more readily to take up the curvature of the lens tool (i.e., Dillon

discloses at column 2, lines 45-51, in discussing the prior art, a polishing element 24 having a series of slots 32). Therefore, in order to even more distinctly claim the subject matter of the invention, the amended and new claims refer separately to these slots so that the holes or recesses (claims 1, 15, and 16), and protuberances (claims 8, 17, and 18), are clearly recognizable as being structures distinct from the slots. Furthermore, the amended and new claims define the holes or recesses, and protuberances, as being distributed over an entirety of the outer surface of the intermediate lens pad. There is no suggestion of any such structural features in Dillon.

Furthermore, Applicants' claimed intermediate lens pad is used in conjunction with a "lens surfacing pad having a peel-off adhesive on one side and a working surface on its other side, [which] can be secured by said adhesive side to said intermediate lens pad so as to inhibit relative movement between said intermediate lens pad and said lens surfacing pad during surfacing." In Dillon, there is no adhesive between the two pads. In fact, Dillon discloses that the lower surface of polishing cloth 62 has a "somewhat smoother surface," and that "[t]he lower fabric surface clings to the pad when the cloth is wet with liquid slurry 34" (column 3, lines 11-13).

Dillon's polishing cloth that simply "clings to the pad when the cloth is wet with liquid slurry" is completely different from Applicants' claimed invention. Applicants employ an adhesive to secure the surfacing pad to the intermediate pad, and use the open form of the outer surface of the intermediate pad to (i) effect a satisfactory adherence between the pads, while still (ii) enabling the surfacing pad to be readily removed without

leaving any adhesive on the intermediate pad. It is the open nature of the outer surface of the intermediate pad (i.e., the claimed holes or recesses, and protuberances,) which achieves this benefit, and Dillon fails to suggest the claimed feature. Indeed, Dillon teaches away from the use of Applicants' claimed adhesive connection between the two pads, let alone addressing any solution to the problems encountered by the prior art when using an adhesive.

It is respectfully submitted, therefore, that there is neither a suggestion nor a motivation in Dillon to derive the invention defined by any of Applicants' claims 1-5 and 8-12. The dependent claims are allowable along with independent claims 1 and 8, and on their own merits.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-5 and 8-12 under § 103(a) are respectfully requested.

New claims 15-18 are similarly allowable. Claims 15 and 17 (directed to a lens tool assembly) and claims 16 and 18 (directed to a method of surfacing a lens) each define an intermediate lens pad that includes the above-described structural features.

The canceled and/or amended claims have been canceled and/or amended solely for the purpose of furthering the prosecution of the present application. Applicants reserve the right to claim the subject matter of the canceled claims, the claims pending prior to this Amendment, and/or the subject matter of other claims embodied in this application, or any continuation, division, CPA, RCE, subsequent reissue, reexamination or

other application. Any amendments made to the application are not made for the purpose of distinguishing the claims over prior art except as specifically discussed in the Remarks section of this paper. Applicants may file a continuing application with claims that do not contain the limitations discussed in this paper, and Applicants expressly reserve the right to do so.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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Version With Markings to Show Changes Made

In the Claims:

Please cancel claims 6, 7, 13, and 14 without prejudice or disclaimer of the subject matter thereof.

Please amend the claims as follows:

1. (Amended) An intermediate lens pad [having] comprising
a plurality of slots spaced apart around the center of the pad, extending radially from positions spaced from the center of the pad and extending upwardly so as to be open at the periphery of the pad to enable the pad to follow the curvature of a lens tool,
said pad having a first side [which is secured to the] and a second side, said first side capable of being secured to a curved surface of a lens tool when the pad is in use, and
said second side having a [surface on its other side which is] substantially smooth[, but which is open in the sense that the said surface is formed with] surface comprising a multiplicity of [substantially uniformly distributed] holes or recesses [which are] substantially uniformly distributed over an entirety of said second side surface, said holes or recesses being at least [of] an order of magnitude smaller than the intermediate lens pad [itself],

whereby a lens surfacing pad having a peel-off adhesive on one side and a working surface on its other side, can be secured by [its] said adhesive side to [the] said intermediate lens pad [to an extent which inhibits] so as to inhibit relative movement

between [the pads] said intermediate lens pad and said lens surfacing pad during surfacing, [whilst] while allowing ready manual removal of the surfacing pad for replacement by a different surfacing pad.

4. (Amended) An intermediate lens pad according to claim 1, wherein [the material of] the intermediate lens pad comprises a [plastics] plastic material.

8. (Amended) An intermediate lens pad [having] comprising
a plurality of slots spaced apart around the center of the pad, extending radially from positions spaced from the center of the pad and extending upwardly so as to be open at the periphery of the pad to enable the pad to follow the curvature of a lens tool,

said pad having a first side [which is secured to the] and a second side, said first side capable of being secured to a curved surface of a lens tool when the pad is in use, and

said second side having a [surface on its other side which is] substantially smooth[, but which is open in the sense that the said] surface [is] defined by [the] outer surfaces of a multiplicity of protuberances substantially uniformly distributed over [the pad] said second side surface such that the [minimum space] distance between adjacent protuberances is [of] an order of magnitude smaller than the intermediate lens pad [itself],

whereby a lens surfacing pad having a peel-off adhesive on one side and a working surface on its other side, can be secured by [its] said adhesive side to [the] said intermediate lens pad [to an extent which inhibits] so as to inhibit relative movement between [the pads] said intermediate lens pad and said lens surfacing pad during surfacing,

[whilst] while allowing ready manual removal of the surfacing pad for replacement by a different surfacing pad.

11. (Amended) An intermediate lens pad according to claim 8, wherein [the material of] the intermediate lens pad comprises a [plastics] plastic material.